



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-1370 FAX (603) 271-1381



September 24, 2001

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY
No. WMD 01-23**

Dynamic Chromium Industries, Inc.
146 Batchelder Road
Seabrook, New Hampshire 03874

Attn: Mr. David P. Ferrairo, President

**Re: Dynamic Chromium Industries, Inc.
Seabrook, New Hampshire
EPA ID # NHD981210099**

Dear Mr. Ferrairo:

On August 1-2, 2001, the Department of Environmental Services (DES) conducted an inspection of Dynamic Chromium Industries, Inc. (Dynachrome). The purpose of the inspection was to determine Dynachrome's compliance status with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules (codified as Env-Wm 100-1000).

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

1 Env-Wm 502.01 - hazardous waste determination

At the time of the inspection, Dynachrome was handling and manifesting "waste evaporator solution" as a "D007" characteristic hazardous waste rather than as a "F006/F019" listed hazardous waste.

Env-Wm 402.06(a) lists the following as specific industrial process wastes:
F019... Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.

F006... Wastewater treatment sludges from electroplating operations except for the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

Env-Wm 502.01 requires the generator of a waste to determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests Dynachrome to ensure that complete hazardous waste determinations are performed on waste streams when they are generated. Specifically, DES requests Dynachrome to ensure that the waste evaporator solution is handled and manifested as a "F006/F019" listed hazardous waste. In addition, ensure wastewater treatment sludges generated by the new wastewater treatment unit are manifested similarly.

2. Env-Wm 509.02(a)(1) – General Inspection Requirements

A review of Dynachrome's Hazardous Waste Inspection Checklist revealed: 1) the name of the employees conducting inspections; and 2) the date and nature of repairs or remedial actions taken, were not documented.

Env-Wm 509.02(a)(1), which references 40 CFR 265.15, requires full quantity generators to conduct and document inspections of the facility, including hazardous waste storage areas. The inspections are required to be recorded in a log which includes the area being inspected, the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of the repairs or other remedial actions taken.

DES requests that Dynachrome amend the existing Hazardous Waste Inspection Checklist to reflect the name of the employee conducting the inspection, and the date and nature of any necessary repairs or remedial actions taken. Submit an updated Hazardous Waste Inspection Checklist to DES.

3. Env-Wm 509.02(a)(2) – Personnel Training

A review of Dynachrome's personnel training program revealed the following deficiencies:

- A. Primary and Secondary Emergency Coordinators including, Gregg Burzynski and Larry Cellamere had not received hazardous waste training.
- B. Employees responsible for the management of hazardous waste including David Ferrairo, Arvid Ohlen, Jeff Cloak, David Ferrairo Jr., Ronald Grover Jr., Wayne Ciaramitaro, Joseph Ferrairo, and John Gavin had not received hazardous waste training and/or taken part in an annual review.
- C. The "Job Description" portion of Dynachrome's training plan did not specify the types and amounts of introductory and continuing training hazardous waste personnel are required to receive.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that annual reviews are conducted for personnel handling hazardous waste.

DES requests that Dynachrome conduct and document hazardous waste training and annual updates for all Emergency Coordinators and employees who handle hazardous waste. Also, update the training program to reflect amounts of introductory and continuing training persons responsible for hazardous waste management are required to receive (specified in 40 CFR 265.16(d)(3)). Please submit the updated training program to DES.

4. Env- Wm 509.02(a)(5) – Contingency Plan

A review of Dynachrome's contingency plan revealed deficiencies regarding the emergency coordinator's ability to commit resources to the plan, evacuation routes and procedures, notifications, local authority arrangements, 15-day report information, and post implementation procedures.

Env- Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requests that Dynachrome revise and update its contingency plan to correct any deficiencies as identified in the enclosed Hazardous Waste Generator RCRA Inspection Checklist. Enclosed please find a suggested outline for a contingency plan which may also be useful as a guide.

5. Env-Wm 509.02(b)– Emergency Posting

At the time of the inspection, Dynachrome did not have a complete emergency posting at the nearest telephone adjacent to the hazardous waste storage area.

Env-Wm 509.02(b) requires that full quantity generators shall post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to the hazardous waste storage area:

- (a) The emergency coordinators (home and office);
- (b) The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and
- (c) The location of fire extinguishers and spill control material, and if present, fire and internal emergency alarms.

DES requests that Dynachrome post the required information at the nearest telephone to the hazardous waste storage area. Enclosed is a sample emergency posting for your reference.

6. Env-Wm 509.03(d) – Satellite Storage Requirements

During the inspection of the facility's hard chrome areas, two (2) satellite accumulation containers of hazardous waste masking material were not closed.

Env-Wm 509.03(d), which references Env-Wm 507.01(a)(3), requires generators to ensure that containers storing hazardous waste be closed at all times, except when waste is being added to or removed from the containers.

DES requests that Dynachrome ensure that containers storing hazardous waste be closed at all times, except when adding or removing waste from the containers.

7. Env-Wm 509.03(e) – Satellite Storage Container Marking

During the inspection of the facility's hard chrome areas, the two (2) satellite storage containers of hazardous waste masking material were not marked with the words "hazardous waste" and words that identify the contents of the container.

Env-Wm 509.03(e) requires all satellite storage containers used for the storage of hazardous waste be marked with the following information at the time they are first used to store wastes: the words "hazardous waste" and words that identify the contents of the container.

DES requests that Dynachrome properly mark all hazardous waste satellite storage containers at the time they are first used to store waste with: the words "hazardous waste" and words that identify the contents of the container.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Dynachrome can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Dynachrome, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during subsequent inspections of the facility.

The written report as requested above should be addressed as follows

Kenneth W. Marschner, Administrator
DES/WMD
6 Hazen Drive
Concord, New Hampshire 03301-6509

Also during this visit, inspectors revealed the following:

The facility was not managing universal waste fluorescent tubes according to the established DES policy. Enclosed is a copy of the DES fact sheet "Waste Mercury-Containing Lamps: Management Requirements for Handlers and Transporters" that outlines recommended management and disposal practices.

During the inspection, Dynachrome personnel indicated that operations at their sister company, Aero Dynamics (AD), located in Salem, NH, had ceased and consolidated at the Seabrook facility. Therefore, AD no longer generates hazardous waste at the Salem, NH facility. Env-Wm 504.02(f) of the Hazardous Waste Rules requires that generators that cease their hazardous waste activities at a particular site notify DES in writing. Please complete and submit the enclosed Declassification Request to the DES Reporting and Information Management Section.

Enclosed you will find a copy of the completed Hazardous Waste Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

A current, full set of the State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff are available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Eric K. Abrams or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

COPY 

Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

CERTIFIED MAIL RRR# 7099 3400 0002 9773 1878

cc: DB/RCRA/LOD/Archives
Philip J. O'Brien, Ph.D., Director, WMD
Gretchen Rule, DES Enforcement Coordinator
Arvid Ohlen, Environmental Coordinator, Dynachrome

E-mail: JJD/SD/SD/PM

Enclosure: Inspection Checklist
Emergency Posting Sample
Inspection Schedule/Log Sample
NHDES Suggested Outline for Personnel Training Records
NHDES Suggested Outline for Contingency Plans
NHDES Fact Sheet #WMD-HW-7 "Waste Mercury-Containing Lamps"
NHDES Declassification Request